

# LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN BERNARDINO

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**DATE:** MAY 5, 2006  
**FROM:** SAMUEL MARTINEZ, LAFCO Analyst  
**TO:** LOCAL AGENCY FORMATION COMMISSION

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**SUBJECT: Agenda Item #11: LAFCO SC#278 – City of Montclair Irrevocable Agreement to Annex No. 06-39-I-72 for Sewer Service**

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## **INITIATED BY:**

City of Montclair, on behalf of the property owner/developer

## **RECOMMENDATION:**

Staff is recommending that the Commission approve LAFCO SC#278 by taking the following actions:

1. For environmental review, take the following actions as a responsible agency:
  - a. Certify that the Commission has reviewed and considered the environmental assessment and the Mitigated Negative Declaration prepared by the County of San Bernardino for a General Plan Amendment from RS-10m (single-family residential, 10,000 sq. ft. minimum lot size) to RS (single-family residential) and Tentative Tract 17509 to create 37 lots and 3 lettered lots, with a variance for wall heights and building setbacks on 9.29 acres, and found them to be adequate for Commission use;
  - b. Determine that the Commission does not intend to adopt alternatives or mitigation measures for this project; that all mitigation measures are the responsibility of the County of San Bernardino and/or others, not the Commission, and are self-mitigating through the implementation of the adopted Conditions of Approval for the project; and

- c. Note that this proposal is exempt from Department of Fish and Game fees because the filing fee was the responsibility of the County, as CEQA lead agency, and direct the Clerk to file a Notice of Determination within five (5) days of this action.
2. Approve SC#278 authorizing the City of Montclair to extend sewer services outside its boundaries to Tentative Tract 17509, on Assessor Parcel Number (APN) 1013-041-01; and
3. Adopt LAFCO Resolution #2923 setting forth the Commission's findings, determinations, and approval of the agreement for service outside the City of Montclair's boundaries.

### **BACKGROUND:**

The City of Montclair, on behalf of the property owner/developer, has submitted an application for Commission review requesting approval of an irrevocable agreement to annex that outlines the terms by which it will extend sewer service outside its boundaries. The agreement relates to APN 1013-041-01, generally located on the east side of Pipeline Avenue, extending between Phillips Boulevard and Grand Avenue (4109 Grand Avenue), in the southern portion of the City of Montclair's sphere of influence. Attachment #1 provides a location and vicinity map of the site along with a map outlining the location of the infrastructure to be extended.

The County Land Use Services Department has processed and approved a General Plan Amendment and Tentative Tract 17509 to create 37 lots on 9.29 acres. The Conditions of Approval placed upon this project include the requirement for connection to the City of Montclair's sewer system (Conditions 74, 75 and 80). Water service will be provided by the Monte Vista Water District which currently overlays the project site. A copy of the Conditions of Approval is included as Attachment #3 to this report. Therefore, the City, on behalf of the property owner/developer, has requested that the Commission review and approve the extension of service pursuant to the provisions of Government Code Section 56133. Authorization of this agreement is required before the City can take the final actions to implement the terms of the agreement.

The City's application (included as Attachment #2) indicates that the parcel will be served through construction of new eight-inch (8") sewer mains in Grand Avenue (approximately 490 linear feet), in Pipeline Avenue (approximately 875 linear feet), in Phillips Boulevard (approximately 2,700 linear feet), and in the two new public streets within the Tentative Tract (approximately 660 linear feet). In addition, the applicant will be required to construct four-inch (4") lateral extensions from the new sewer mains to each of the 37 lots.

Pursuant to the Commission's application requirements for service contracts, information has been provided regarding all financial obligations for the extension of service outside an agency's boundaries. The City of Montclair has submitted an estimated cost ranging from \$557,400 to \$582,400 for the extension of service to the parcel. The breakdown of the estimated fees is as follows:

|  |   |                            |
|--|---|----------------------------|
| Construction, Installation and Connection of Sewer | Cost of work (depending on site conditions) | \$400,000-\$425,000        |
| Regional Capital Outlay Fee                        | \$4,200 x 37 dwelling units                 | \$155,400                  |
| City Agreement & Permits                           |   | \$2,000                    |
| <b>TOTAL ESTIMATED COST</b>                        |   | <b>\$557,400-\$582,400</b> |

The City of Montclair has indicated that there is no rate difference for providing service outside the City's boundaries. Therefore, future users will be charged the normal in-City monthly rate for sewer service.

### **CONCLUSION:**

The development of the Tentative Tract requires that it receive sewer service from the City of Montclair. In order for the project to proceed to record the Final Tract Map, the developer must show proof of his ability to connect to the City of Montclair's sewer infrastructure - which is the Commission's authorization for the agreement.

Staff has reviewed this request for the provision of sewer service by the City of Montclair outside its corporate boundaries against the criteria established by Commission policy and Government Code Section 56133. The parcel to be served is within the sphere of influence assigned the City of Montclair and is anticipated to become a part of the City sometime in the future. The development of the Tentative Tract requires that it receive sewer service, which is only available from the City of Montclair. Staff supports the City's request for authorization to provide sewer service to the proposed residential development since there is no other existing entity available within the area to provide the level of service required by the Tentative Tract.

### **FINDINGS:**

1. The project area, identified as APN 1013-041-01, is within the sphere of influence assigned the City of Montclair and is anticipated to become a part of that City sometime in the future. The parcel will receive its water service from the Monte Vista Water District. The application requests authorization to receive City of Montclair sewer service. This requirement is a condition of approval placed upon the project by the County Land Use Services Department for the General Plan Amendment and Tentative Tract 17509 which was approved by the County Board of Supervisors on

November 22, 2005. Therefore, approval of the City's request for authorization to provide sewer service is necessary to satisfy this condition of approval.

2. The Irrevocable Agreement to Annex No. 06-39-I-72 is being considered for the provision of sewer service by the City of Montclair for Tentative Tract 17509. This contract will remain in force in perpetuity for the future property owners of the lots within Tentative Tract 17509 or until such time as the area is annexed. Approval of this application will allow the property owner/developer and the City of Montclair to finalize the agreement for the extension of sewer service.
3. The fees charged by the City of Montclair for the extension of sewer service to the parcel are estimated to range from \$557,400 to \$582,400, dependent on final construction costs. The actual cost will be determined by the City and the payment of these fees will be required prior to connection to the City's sewer facilities.
4. In September and December 2005, acting as the CEQA lead agency, the County prepared an environmental assessment for a General Plan Amendment from RS-10m (single-family residential, 10,000 sq. ft. minimum lot size) to RS (single-family residential) and Tentative Tract 17509 to create 37 lots and 3 lettered lots, with a variance for wall heights and building setbacks on 9.29 acres. The assessment indicates that the project would not have a significant effect on the environment through its development under the Conditions of Approval that has been prepared for the proposed project.

LAFCO's Environmental Consultant, Tom Dodson and Associates, has reviewed the County's Initial Study and Mitigated Negative Declaration issued for the proposed project. Mr. Dodson's analysis has indicated that the County's Initial Study and Mitigated Negative Declaration are adequate for the Commission's use as a CEQA responsible agency. The Commission will not be adopting alternatives or mitigation measures for this development, as these are the responsibility of the County and/or others and are considered self-mitigating through implementation of the Conditions of Approval. Attachment #4 provides a copy of Mr. Dodson's response and recommendation regarding the Commission's review and necessary actions to be taken.

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Attachments:

1. Vicinity Map and Map of the Contract Area
2. City of Montclair's Application and Contract

3. County Conditions of Approval for General Plan Amendment from RS-10m to RS and Tentative Tract 17509 on 9.29 Acres
4. Tom Dodson and Associates Response Including the County's Environmental Documents for the General Plan Amendment and Tentative Tract
5. Draft Resolution #2923